

**Minutes of the Regular Meeting of the  
Buena Vista Planning and Zoning Commission  
October 12, 2009**

**CALL TO ORDER**

A Regular meeting of the Planning and Zoning Commission was called to order at 6:05 PM, Wednesday, October 12, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Chairwoman Baker. Present were Commissioners William Woodhouse, Pete Palmer, Jed Selby, Town Planner Shannon Haydin, and Deputy Town Clerk Jennifer Dixon. Absent was Commissioner Ken Keller.

**ROLL CALL**

Deputy Town Clerk Dixon proceeded with the roll call and declared a quorum.

**PLEDGE OF ALLEGIANCE**

Chairwoman Baker led in the Pledge of Allegiance.

**AGENDA ADOPTION**

Chairwoman Baker called for amendments to the agenda. There were none. **Motion #1** by Commissioner Woodhouse, seconded by Commissioner Palmer, to adopt the agenda as presented. Motion carried.

**Approval of the Minutes**

Chairwoman Baker called for approval of the September 2, 2009 minutes as amended. **Motion #2** by Commissioner Palmer, seconded by Commissioner Woodhouse, to adopt the minutes as amended. Motion carried. Amendment to be made: Page 5 change "obtained" to "abstained."

**PUBLIC COMMENT**

Chairwoman Baker opened the public comment portion of the hearing at 7:07 PM.

Bill Kramer wished to speak later.

With no other comments received, the public comment portion of the hearing was closed at 7:07 PM.

**NEW BUSINESS**

**A. Mueller Landscape Plan:**

Planner Haydin went over the staff report and that the new revised plan shows the revisions she requested in her previous staff report. The plants that they are using do deviate from the planting guide but after research show that they are acceptable for the water issue, the plants they chose use less.

After a brief discussion the following motion was made.

**Motion #3** by Commissioner Selby, seconded by Commissioner Woodhouse, to approve the landscape plan as presented. Motion carried unanimously.

**B. Bob Kramer Request for a Variance for property at 114 Nighthawk Drive.**

Planner Haydin went over the variance request. The structure is a building that has already been constructed and is pending the certificate of occupancy. To some extent the town has failed to enforce our code ahead of time. Staff is working with Chaffee County to do a better job at checking these things ahead of time. The building in question is nine inches too tall. The property is located north of Gregg Drive and west of Rodeo Road in the Sunset Vista subdivision. The lot is on the corner of Nighthawk and Redtail Drive. Planner Haydin went over the approval conditions and how the applicant has met them. Planner Haydin stated that the variance is only for the height, nothing else.

**6:22 p.m. Public Comment Opened**

Bill Kramer Brought a copy of the original plans with him. The plans did call for a nine foot first floor and an eight foot second floor. There is no indication of the height of the roof itself. The original drawings do not have dimensions on them. Mr. Kramer stated that he has never built a home and questioned the lack of dimensions on the plans, but felt that the contractor has built 300 houses and that they must know what they were doing. In addition he questioned Mr. Hiatt about building to code. Mr. Kramer stated that the contractor had assured him that they were building to code. Mr. Kramer felt that he was getting assurances all along that the code was being met and that is what he felt what was happening. A third of the way through the project Vista Builders went bankrupt and he hired Gene MaMananay.

Mr. Kramer was not aware of the problem until three weeks ago when he received a call from the Zoning Compliance officer regarding the house being 9 inches too tall.

**6:26 p.m. Public Comment Closed**

Evelyn asked Gene if at any point he realized the building was too tall. Gene stated that he found out shortly before Mr. Kramer. He stated that he spoke with Harold Murray and it was Gene's understanding that Harold Murray contacted Town Hall regarding what would happen if a building was too tall; Mr. Murray knew about it for some time. Gene ran a framing crew with Vista Builders and when he started the build on this house his plans were not adequate, for example, the scale was not right and they would put on the plans that the walls were plus or minus 6 inches.

Suggestions were made on how the Town can improve the code and building inspection process to avoid this in the future.

It was recommended that if the Board of Trustees approve the variance that the Town should notify the neighbors why the variance was approved.

Chairwoman Baker requested to follow the same process for the Trustees meetings to inform public and do a posting in the paper and letters. Chairwoman Baker stated that this provides an opportunity to prevent all of the concerns going before the Trustees for review.

After a brief discussion the following motion was made.

**Motion #4** by Commissioner Selby, Commissioner Palmer seconded. To recommend approval of the variance for Mr. Kramer to the Board of Trustees. Motion Carried.

**C. Planning for an Aging Population**

Planner Haydin went over the article regarding aging populations and additional information that she had found.

Haydin stated that policies that facilitate design can be written into code. There are a few things in the Comp Plan that need revision. Haydin added that staff could make a chapter dealing specifically with an aging population or you can integrate policy that would help facilitate policy, for example transportation, that deals specifically with aging. If you create the community as such that it is walkable then by default you will be able to accommodate an older population.

Commissioner Selby stated that the community needs to be designed before it is codified. Mr. Selby added that the Town could utilize staff and/or bring in designers. Mr. Selby stated that the Commission should make the designs and see how people like the drawings and then codify the vision. Mr. Selby also stated that when addressing infrastructure, there needs to be permits for planting in right of way and adding sidewalks so that they all match.

The Commission directed staff to start form based code to help Planning and Zoning start to get things accomplished. It was also recommended to do a "build-to" line rather than a set back for structures. Commissioner Selby stated that you start with general form and then add basic design standards later. Form based is designed to allow you to do things rather than limit your ability. As staff calibrates the code it is more designed around the neighborhoods that are in place. Then implement code for vacant land. It was also suggested to add the possibility of a designer to come in and assist staff with design.

Also suggested that a development code be created to replace the subdivision code and make it beneficial to the developers and the citizens of Buena Vista.

Will start next month putting together a map of where the planning area is and form a sub working group to develop a form based code for the downtown area of Buena Vista.

**D. Adoption of a Portion of the 1999 Comprehensive Plan Dealing with the 3-Mile area.**

Amend the 2008 Comprehensive Plan to adopt the 1999 language and map associated with the planning area.

After a brief discussion the following motion was made.

**Motion #5** by Commissioner Selby, Commissioner Woodhouse seconded, to recommend approval to the Board of Trustees to approve the amendment to the 2008 Comprehensive Plan to adopt the 1999 language and map associated with the planning area.

**E. Animal Regulations in the Zoning Code.**

Currently the Town Code does not address anything specifically per zone for animals. It is currently subjective, "as long as it doesn't create a nuisance."

It was recommended staff look at surrounding areas to compare and change the Code accordingly. The abatement of the nuisance takes time and creates issues. Staff is recommending a public work session in January.

**OLD BUSINESS**

**A. Ordinance Amending Chapter 18-22(B) regarding the 2006 international residential Building Code standards for side and rear setbacks in B-1, B-2, B-1 OT, and I-1 Zone Districts.**

Staff is recommending that the Commission review language that was suggested by Chaffee County Building Department for the fire rating language and Planner Haydin will re-present this to forwarding to the Board of Trustees.

**CHAFFEE COUNTY REPORT**

The Chaffee County Sustainability Summit is on Thursday, October 15<sup>th</sup>. If any of the Commissioners wish to attend contact Jennifer and she will sign you up.

**STAFF REPORT**

Next meeting Meadows plan and PUD

A question was raised regarding the status of the school bus parking site on Center Street. Ms. Haydin stated that she heard second hand that they were moving the buses out to the Alpine Towing Site and that Alpine Towing was constructing a new building. However, Ms. Haydin noted that this was second hand information and could not verify whether or not this truly was the case.

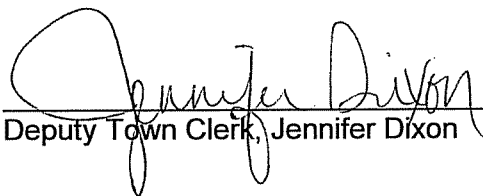
After reviewing the code and requirements for the Planning and Zoning Commission staff recommended to the commission that the Quorum requirement be changed to three. After a brief discussion it was decided that a Quorum of three would be appropriate unless it is a large issue than a Quorum of four would be required.

## **ADJOURNMENT**

**Motion # 6** by Commissioner Selby, seconded by Commissioner Woodhouse, noting that there being no further business to come before the Board declared that the meeting be adjourned at 7:49 PM. Motion carried.

Respectfully submitted:

  
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Evelyn Baker, Chairwoman

  
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Deputy Town Clerk, Jennifer Dixon

